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HUMAN RIGHTS QUESTIONS

Letter dated 25 August 1992 from the Permanent Representative of Colombia to the United Nations addressed to the President of the Economic and Social Council

At its meeting on 18 August, the Economic and Social Council endorsed the resolution adopted by the Commission on Human Rights at its first extraordinary session held at Geneva to deal with the human rights situation in the former Yugoslavia.

As we stated when we explained our vote at that meeting, we joined the consensus to adopt the resolution because we believe that the exceptional events occurring in the former Yugoslavia and the violation of human rights in Bosnia and Herzegovina warrant such a step. They are of the utmost seriousness.

However, we wish to make it clear that the provisions of paragraphs 14 and 15 of that resolution are exceptional, and cannot and must not constitute a precedent for the Organization. Articles 62 and 65 of the Charter of the United Nations leave no room for doubt as to the competence of the various organs and it follows that the reports of special rapporteurs called for by the Commission on Human Rights must be submitted to the Commission, which is the body competent in the matter. It is the understanding of our delegation that the provision in paragraphs 14 and 15 of the resolution endorsed by the Economic and Social Council, to the effect that the Secretary-General should make the report available to the Security Council, is an exception which cannot create any precedent. Furthermore, it must not be repeated since that would be detrimental to the careful balance of competences established by the Charter.

I should be grateful if you would have this letter distributed as an official document of the Economic and Social Council.

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At its meeting on 11 August, several members of the Security Council expressed disapproval at the attempt to have the report on the violation of human rights in Iraq presented by the special rapporteur on that matter who had been appointed by the Commission on Human Rights. My delegation views with concern the persistent attempts to introduce in the Security Council issues which the Charter of the United Nations does not assign to that organ.

(Signed) Luis Fernando JARAMILLO
Ambassador
Permanent Representative